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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,938	03/11/2004	Vincent P. Walker	8129/Z-03353	8045
27752 7590 07/28/2011 THE PROCTER & GAMBLE COMPANY Global Legal Department - IP Sycamore Building - 4th Floor 299 East Sixth Street CINCINNATI, OH 45202				
EXAMINER LANDRUM, EDWARD F				
ART UNIT 3724		PAPER NUMBER		
MAIL DATE 07/28/2011		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/799,938

Applicant(s)

WALKER ET AL.

Examiner

EDWARD LANDRUM

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 and 38-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18, and 37-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Transposition's Patent Drawing Review (PTO-949)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-8, and 38-45, and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simms (U.S Publication No. 2002/0023351 in view of Richard et al (U.S Patent No. 7,200,937), hereinafter Richard.

Simms teaches (see Figures 2-4, 7, and 8) a shaving cartridge with a handle, the shaving cartridge (1) has a plastic housing (4, Paragraph 21, line 5) with front, rear, side portions, a pivot axis (14) where a standard yoke (12) found on many shaving devices attaches the shaving cartridge to the handle, and a housing axis extending perpendicular to the pivot axis. The rear portion has a rear surface (10 and 11). A plurality of shaving blades (5) extend along parallel blade axes that are parallel and behind the pivot axis (14). A guard is located at the front portion and includes an elastomeric member (6) that extends along the housing axis and is located in front of the pivot axis (14). Simms further generally teaches a ratio between the front and rear portions as the front portion appears to be within 45 percent of the length of the rear portion (see Figure 3). Simms also teaches the cartridge being balanced about the pivot axis as any shaving cartridge will balance itself about a pivot axis when placed in a

rest position. The pivot axis is located in front of the blades (Figure 2). Simms further teaches the cartridge is removably coupled to the handle (paragraph 42).

Simms teaches all of the elements of the current invention as stated above except for the specific optimal lengths, ranges, or percentages of both the front portion and the portion from the pivot axis to the rear surface, more specifically the front portion being equal to the rear portion or no more than 35 percent less than the rear portion.

Richard teaches (Col. 4, lines 1-21) that it is old and well known in the art to pivotally balance a shaving cartridge to a neutral position on a handle and make the pivot axis as equidistant as possible between guard and the cap of the shaving cartridge to thereby aid in evenly distributing the shaving forces across each shaving blade. Richard further teaches (Col. 1, lines 4-11) the cartridge is detachable from the handle.

It would have been an obvious matter of design choice to modify Simms to incorporate the teachings of Richard to make the front portion a length of about 6 mm and the rear distance a length of about 10 mm, or any other optimal lengths, or percentages, of front distance of the cartridge as compared to the rear distance of the cartridge for the purpose of finding the best front to rear distance ratio to correctly balance the shaving head and help prevent the blades from deviating significantly from a position of optimum skin engagement, because discovering optimal lengths from a pivot axis to balance the shaving head would have been a mere design consideration based on the weight and length of the various materials and objects included in the shaving head. It has been held that where the general conditions of a claim are

disclosed in the prior art, discovering the optimum or workable ranges only involves routine skill in the art.

3. Claims 9, 12-15, 46, and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simms, or the modified device of Simms as stated in section 4, in view of Aprille et al (U.S Patent No. 5,249,361), hereinafter Aprille.

Simms and the modified device of Simms teach all of the elements of the current invention as stated above except the elastomeric member including an elastomeric fin, and where a leading portion of the elastomeric member extends beyond the leading edge of the front portion of the housing in a direction perpendicular the blades axes wherein the leading portion is substantially unsupported and flexible enough to deflect and contour to a user's skin.

Aprille teaches (see Figures 2-4, 6, and 7) an elastomeric guard (10 or 100) on a front portion of a razor housing having fins (22 or 122). The elastomeric guard has a leading portion (nearest 18 or 118) that is substantially unsupported along its length. The fins (22 or 122) on the leading portion allow the leading portion to deflect and conform to a contour of a user's skin during shaving (Col. 1, lines 52-59).

It would have been obvious to have modified the device of Simms, or the modified device of Simms, to incorporate the teachings of Aprille to provide a finned elastomeric guard member for the front portion of the shaving cartridge for the purpose of stretching the skin of the user to thereby allow the user to have as close and comfortable as shave as possible.

4. Claims 10 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified devices of Simms, as stated in section 5, in view of Andrews (U.S Patent No. 6,145,201).

The modified devices of Simms teach all of the elements of the current invention as stated above except the fin length being longer than the blade length and the leading portion being thinner in the center of the housing and thicker at either end.

Andrews teaches (see Figure 2; Col. 10, lines 3-68; Col. 1, lines 38-42; Col. 2, lines 12-52) pads (20 and 22) and guard (28), able to be made out of rubber, which are thicker at the ends of the cartridge and thinner in the center for the purpose of providing the proper curvature for shaving areas such as underarms. Furthermore, Figure 1 shows the guard member (26) surrounding the blade members (24 and 26).

It would have been obvious to have modified the modified devices of Simms to incorporate the teachings of Andrews to modify the thicknesses of the guard members to create the proper curvature so a user can more effectively shave various areas of the body such as under his or her arms as well as make the guards longer than the blades to for the purpose of increasing the maneuverability and the overall control of the razor thereby helping to prevent nicks on a users skin caused by the blades.

5. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over the modified devices of Simms, as stated in section 5, in view of Gilder (U.S Publication No. 2002/0000040).

The modified devices of Simms teach all of the elements of the current invention as stated above except the fins being made of a material having a Shore A hardness between about 28 and 60.

Gilder (Paragraph 19) teaches using an elastomeric material with a Shore A hardness between about 28 and 60 to produce a desirable tactile sensation during shaving.

It would have been obvious to have modified the modified devices of Simms to incorporate the teachings of Gilder to make the elastomeric member and fins out of a material with a Shore A hardness between about 28 and 60 so the guard member will produce a desirable tactile sensation during use.

6. Claims 17, 18, 48 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simms, or the modified device of Simms as stated in section 4, in view of Rozenkranc (U.S Patent No. 6,276,061).

Simms and the modified device of Simms teach all of the elements of the current invention as stated above except for the shaving assembly further comprising a trimming assembly with a trimming blade.

Rozenkranc teaches (see Figure 1) teaches a shaving assembly with a trimming assembly and a trimming blade (4).

It would have been obvious to have modified Simms, or the modified device of Simms, to incorporate the teachings of Rozenkranc to provide a trimming assembly in the shaving head. The trimming assembly would allow a user to properly trim sideburns and similar positions and therefore produce a better quality shave.

Response to Arguments

7. Applicant's arguments with respect to claims 1-18, and 38-50 have been considered but are not persuasive.

Regarding Simms, as set forth in the arguments drawings cannot define the precise proportions of elements relied upon. However examiner is not using the drawings to precisely teach distances of either the front or rear portions. Examiner states that it is generally taught by Simms and uses Richard to provide motivation of why it would be obvious to one of routine skill in the art to adjust the front and rear distances to find a proper balancing point for the cartridge.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Regarding Richards, the center point discussed in Richards is a 'preferable location' for the Richards device between two blades. This preferable location does not teach away from other locations. Simms already teaches a pivot axis located in front of the blades. Based on the information garnered from both Simms and Richards a person of ordinary skill could also change the balance point of the device by extending the width of the cartridge in front of the pivot axis already taught by Simms.

Applicant has not claimed uniform distribution of forces between the blades and the elastomeric member and therefore this limitation will not be read into the claims.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Brown et al '973 (U.S Patent No. 5,416,973), Miller et al (U.S Patent No. 5,067,238), Brown et al '103 (U.S Publication No. 2002/0189103), Brown et al '823 (U.S Patent No. 6,185,823), and Johnson (U.S Patent No. 5,022,154) teach elastomeric guard members on shaving heads. Ohtsubo et al (U.S Publication No. 2004/0093735), and Motta (U.S Publication No. 2003/0213130) teach balancing a shaving cartridge to a neutral position.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDWARD LANDRUM whose telephone number is (571)272-5567. The examiner can normally be reached on 8:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/EDWARD F LANDRUM/
Primary Examiner, Art Unit 3724
7/26/2011